



Order

IT IS HEREBY ORDERED:

1. Appropriation A-7971 is divided into two appropriations, A-7971A and A-7971B.
2. Appropriation A-7971A is held by Roger L. and Carol A. Vincent.

A. They are allowed to divert 0.17 cfs (76 gallons per minute) from the Niobrara River to irrigate the 12.0 acres of land described below and as depicted on map number 17826 which is hereby made a part of this Order. The total rate that water may be diverted shall not exceed one cfs per 70 acres irrigated. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated.

Township 30 North, Range 44 West of the  
6<sup>th</sup> P.M. in Sheridan County                      Acres

Section 24: NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>    12.0

B. All terms and conditions of appropriation A-7971 remain in effect unless specifically changed by this Order.

C. The points of diversion remain on the left bank of the Niobrara River in the NW<sup>1</sup>/<sub>4</sub> of Section 19, Township 30 North, Range 43 West, and in the NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Section 24, Township 30 North, Range 44 West of the 6<sup>th</sup> P.M. in Sheridan County as depicted on map number 17826. If the owners of appropriation A-7971A do not have access to these points of diversion, they must either obtain permission from the landowner or file a Petition for Relocation of the Point of Diversion with the Department, and have it approved prior to any diversion. This Order does not authorize access to the existing points of diversion.

3. Appropriation A-7971B is held by Andrew J. Jackson.

A. He is allowed to divert 0.88 cfs (395 gallons per minute) from the Niobrara River to irrigate the 61.5 acres of land described below and as depicted on map number 17827 which is hereby made a part of this Order. The total rate that water may be diverted shall not exceed one cfs per 70 acres irrigated. Total annual volume of water diverted may not exceed 3 acre-feet per acre irrigated.

Township 30 North, Range 43 West of the  
6<sup>th</sup> P.M. in Sheridan County                      Acres

Section 18: SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>    14.0

Section 19: NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>    22.5

                    SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>    17.5

                    SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>    7.5

TOTAL    61.5

- B. All terms and conditions of appropriation A-7971 remain in effect unless specifically changed by this Order.
- C. The points of diversion remain on the left bank of the Niobrara River in the NW¼ of Section 19, Township 30 North, Range 43 West, and in the NW¼SE¼ of Section 24, Township 30 North, Range 44 West of the 6<sup>th</sup> P.M. in Sheridan County as depicted on map number 17827. If the owner of appropriation A-7971B does not have access to these points of diversion, he must either obtain permission from the landowner or file a Petition for Relocation of the Point of Diversion with the Department, and have it approved prior to any diversion. This Order does not authorize access to the existing points of diversion.

Additional Information

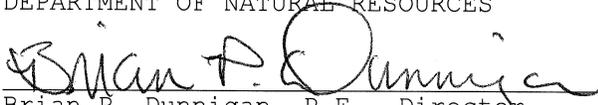
Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use an appropriation for more than five consecutive years may result in cancellation of the appropriation.

These appropriations are not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. These appropriations may be closed if there is insufficient water to satisfy senior appropriations.

DEPARTMENT OF NATURAL RESOURCES

April 28, 2011

  
Brian P. Dunnigan, P.E., Director

The applicant and any person with sufficient legal interest who has been or may be substantially affected by this Order may request a contested case hearing in accordance with the Nebraska Administrative Procedures Act (Sections 84-901 et. seq. RSS) and the Department's Rules of Practice and Procedure (454 N.A.C. Chapter 007). The request must be received by the Department at its Lincoln office (301 Centennial Mall South, 4<sup>th</sup> Floor State Office Building, Lincoln, Nebraska 68509-4676) within 30 days of the date of the order and be accompanied by a filing fee of \$10.

A copy of this Order was posted on the Department's website. Copies of this Order and maps number 17826 and 17827 were provided to the Department's field office in Bridgeport, Nebraska. Copies of this Order and maps number 17826 and 17827 were mailed on April 28, 2011, to the following:

Andrew J. Jackson  
4971 494<sup>th</sup> Trail  
Rushville, Nebraska 69360

Roger L. & Carol A. Vincent  
5142 State Highway 250  
Rushville, Nebraska 69360

Patrick M. "Marty" Connealy  
Crites, Shaffer, Connealy & Watson  
P.O. Box 1070  
Chadron, Nebraska 69337